

THE  
C A S E  
OF  
M I N I S T R I N G  
AT THE  
*Communion-Table*

When there is no

E U C H A R I S T.

S T A T E D

And Discussed, upon occasion of a Treatise  
Entitled, *Parish Churches turn'd into Conventicles,*  
&c.

T O G E T H E R

With some Preliminary Reflections made upon two Pa-  
pers in Answer to that Treatise.

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L O N D O N:

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THE

CLASSE

OF

MINISTERS

AT THE

Commonwealth



RECHARTERED

STATED

And Published in answer to a Resolves of the General Court of the Commonwealth

1780

TOGETHER

With some Preliminary Reflections upon the Rights of the Colonies in Answer to the Resolves of the General Court of the Commonwealth

LONDON:

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THE  
CASE  
OF  
MINISTRING  
AT THE  
Communion-Table

When there is no  
EUCCHARIST.

STATED

And Discussed, upon occasion of a Treatise Entitled, *Parish Churches turn'd into Conventicles, &c.*  
In a Letter to I. B.

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Worthy Sir,

TO your Second Letter received last *Thursday* with the inclosed Dissertation, I cannot but yield the Debt of an Answer somewhat sooner, because I perceive you expect it so fully; tho I could scarce at any time set about such a Task as you set me, more incommodiously, as being walled with such a Grievous Catarrh, Hoarseness, and Soreness, that as I was constrained on that *Thursday*, to break off my

constant Attendance at Church this Lent, and keep close within Doors ; so next day to confine my self to my Chamber, and procure help for the following Lords day. But beginning through Gods goodness to be better at ease, I would not defer to give you mine opinion of the Book. And that in the first place of the four Title ; which I confess offended me, as I suppose it will others lying under the same Guilt with me, which he makes very Notorious, and of that nature, whereby the nature of the Church of *England* is shaken, and her Reputation deeply wounded, not so deservedly, nor justly, as is insinuated or rather openly charged ; as I suppose will in some measure appear in the Sequel of my unpolished Discourse, and very hasty, as you may gather from the short time and long Letter.

But lest it should be imagined that I offend in the like sharpness, or prejudice against the Author, I do here premise this sincere profession, That I do discern a great deal of Ingeniousness, Acuteness, Nervousness, and Weight in the Discourse. And that being ( as may be drawn from some Passages ) given to the Study of the Law of this Nation, he should shew such an unusual Zeal for the Power, and established Orders of the Church, which I would to God, were with no less Conscience observed by the Clergy it self, this not excepted, which he contends for so vigorously. And that I flatter not him, nor dissemble with you, may be attested in part by your self, who know I restored the Use of Ministration at the Communion-Table, or rather introduced it where it was not heard of in the Memory of Man : and so continued it for 7 years, when for causes, some not touched by him, and some endeavoured to be refuted by this Author, I desisted. I would not therefore be looked on at any hand at present, as going about to confute what he delivers : but upon your request, deliver mine own Thoughts somewhat diverse, not contrary to his, and that in these in Propositions.

First, I do fully Grant, and firmly believe, that it is most agreeable to the mind of the Church of *England*, that the Office called the second Service be performed at the Communion-Table ; Circumstances remaining the same, as when it was first so instituted. For seeing Circumstances do vary the case egregiously, the intention of the Author of such Orders is to be judged from the Motives, and Ends inducing to such Constitutions ; which ceasing, or changing, the Intention of the Ordainers may be said to cease and change



exchange likewise: and consequently, the Obligation to observe the first Institutions according to the rigour of the Letter: Examples or Instances whereof I shall afterwards give you.

In the mean time I must here note how wide the Author of that reproachful Title to his Papers is [to wit, *Parish Churches turned into Conventicles*] from making the Omission of Ministration at the Lords Table, Conventicling, or Phanatical. For, what (I beseech Mr. H.) is Conventicling, or Phanaticism which I make Synonymous (however some that call themselves the Sober Dissenters would fain deny this?) Doth it consist in simple Omission of some part of the Service absolutely, and not rather in these two things principally, and in my opinion Essentially? First to have a contrary judgement and affection against the Established Liturgy, and as far as safely and successfully they may, strenuously to oppose the same? And if a man be far from any of these Distempers of mind and actions, yet neglects somewhat enjoined (for that we may suppose at present, which we shall Question hereafter) rather than opposes, is there no favour to be shown him, but he must be condemned for a Phanatick, and his Ministration for Conventicling? Or are the Parish-Priests Phanatical, who observe not *Holydays*, and the Service of *Wednesdays* and *Fridays*? Or rather are they not (according to this Gentlemans Rule) worse than Conventiclers; as I think before God they are, who come not to Church, nor go to Conventicles, but on Publick Days of Worship profanely stay at home. Surely as perverseness, and obstinacy in error, are by the Learned judged the formal part of an Heretick: So likewise is it of a Schismatick, or Schismatizer; the Material part being the error it self of no small importance.

And this is the second Reason distinguishing Omission at most of a Circumstance in Publick Worship from Conventicling: For see, and judge indifferently the whole worship of Conventiclers. Is it not in Matter and in Form both, and also in all Circumstances as much different from the Church-worship, as they well can to bear up the Name of Christian? Doth it not wholly proceed from their own humane Brain? An intolerable crime with them, when they whom they have made their Adversaries cannot alledge direct and express Scriptures for all they say, or do in Gods Worship? I am of St. *Hilary's* mind of old, That not the love of Walls sacred, alters the Worship, but the Doctrine and Worship rather changes,  
and

and unhalloweth the Place: And when the Imaginations of private men are graced with the Fabrick of a Lawful Church, the Church is disgraced into a Meeting-Room, or Conventicling place. But where a Circumstance, and that of Place is only changed, I am quite of another opinion, unless this be done out of Opposition. For what if we should suppose a Minister should be so absurd as to change the time of the second Service, and keep his due place of the Communion-Table, reading it after Dinner? This would be worse than the former, but still it would not be Conventicling, unless all Irregular Worship makes a Conventicle, which if so, it may make it Popery too, and with better Reason, such as the Phanaticks never dreamt on, or dared never to utter. For Papists divide not their Service into several Places, but keep their Station where they began, using some variety of Gesticulations. But I have spoken more under this Head than I intended, and therefore break from hence to,

The second Proposition intended, and that is, That it doth not appear that the Church of *England* hath given any direct Precept for reading that part of the Communion Service at the Lord's Table, which is to end without Actual Consecration. This I am to make good by two Ways, First by probable Circumstances begetting this Persuasion, Secondly by Examining the Pregnancy and Validity supposed in the Reasons to the contrary mentioned and urged by Mr. *H.* My first Part I shall endeavour to make good by fetching somewhat farther my Conjectures. For I suppose 1. that the constant profession of our Church in following the Scripture as a true Rule of Doctrine and Worship, and that as interpreted by the most Ancient, Sound, and Holy Church of Christ met here with no Obstruction or Exception; little or no cause being given her to swerve from her professed Rule of Charity and Conformity. Now, as I have (if my memory fail me not) intimated unto you in Personal Discourse, I do not find that any where in Ancient Churches, nor at this day out of *England*, in Reformed or Unreformed, in Eastern, or Western Churches, that the Office of the Church was so divided, as that one part of it should be said in one Part, or Quarter of the Church; and another in another Part; but where it began, there it ended.

It may seem therefore a more necessary than curious Inquiry, to learn whence our Church took up that Custome so strange every where else. For tho after greater Concourses of Christians, for their greater benefit drew down the Office of the Church from the

Eastern

Eastern Part, and Quire, into the Body of the Church, for better Distribution of the Service among the Multitude, yet still, the Office designed for the day was entirely compleated in one Place. Neither can it be said that our Desk-Service, or common daily Service is a distinct Service from that of the Communion Service, which some alledge, others making a threefold Service by vertue of the Litany added to the rest, upon Special days, which I think can scarce be made good; yet if all this were true, ( which I shall rather yield, than here dispute ) still we shall want an ancient Precedent to warrant this division of our Service into sundry Places.

For as for that Ancient Distinction of the *Missa*, into that of the *Fideles*, and the *Catechumeni*, whereof that consisted in the Celebration of the Lords Supper and the Communicating therein; This was called *Sicca*, because there were only certain Prayers preliminary and common to all, designed for Baptisme, as well as Baptized, without Consecration: and therefore was also sometimes call'd *Nautica*, because it might be used at Sea, on Ship-board, where they judged it not safe to consecrate, yet ( as I was saying ) in one and the same Place when joyntly used, they were performed. This Distinction mentioned coming nearest to the Resembling and Justification of our stop of the Communion Service, where there is no Consecration, at the end of the Prayer for the Holy Catholick Church, is much asserted by *Bartholomaeus Nervius* in his defence of *Cassander*, page 890, 891 of *Cassanders* works. And is acknowledged by *Chemninius Exam. Trident.* pag. 363. *Part.* And more largely by *Cassander* himself out of *Waldensius*, *Socrates*, and *Durantius*, in the 34 Ch. of his Liturgies. Which I chuse to speak of here, as well to justify the like Practice in our Church, as also to shew, that such Distinction in the Office can be no sufficient ground to justifie distinct Places of Worship: And therefore we are to fetch the causes from some other ground than this: And I am of opinion, that such search will be lost Labour out of our own Church: And that in our own Church will be found a Singular *Oeconomia*, ( as *St. Chrysost.* would call it ) and Condescension to gain, in the Spring of our Reformation, by all means, some.

For in truth I am not so well read in, or so well remember, the Antiquities of our Church, as to be able to say when the Desk or Reading Pew in the Body of the Church, came first to be appointed, tho I remember some no modern Articles of Bishops Visitations enquiring after them, as appointed. But when ever they were first appointed

appointed, I presume to say ; That they were intended not for Prayers at all, but for Reading the Scriptures and Homilies to the people in the English Tongue, which they had not the happiness a little before, at all to enjoy. But the whole Service of the Church was, as in Ancient Churches, all at the Altar, as they call it, the People then having not forgotten to gather together before the Priest, and humble themselves, as formerly in times of Popery : For they had not drunk in the Popular Superstition of following Teachers, scaring them, as Children, with Bugbears of Superstition in places. And when the ordinary daily Service was brought into the Desk, as most commodious, at the time of celebrating the Lords Supper, which was adjudged then requisite to be continued, all *Holydays*, and *Sundays* the Communion Service was continued as formerly, at the Altars, as at first, or the Table, in the stead and place of the Altar. And I do really believe, but cannot demonstrate, that until the first Book of *Edward 6.* enjoined, all the Reformed Service was as formerly, at the Altar. But in that first Book I find no Rubrick directing the Service in the Body of the Church, or Chancel : But in the 2 Book of *Edward 6.* this Rubrick is premised. The Morning and Evening Prayer shall be used in such places of the Church, Chappel or Chancel, and the Minister shall so turn him, as the People may best hear, &c.

Here is mention made of the most commodious Posture at one Place for the People to hear : But no mention at all of divers places, either in the first Service, or in the second, where is order taken more especially for proper Habits at the time of celebration of the Communion, but nothing else, implying but one Place, as yet. Now when the Places become distinct by erecting a Reading Pew, I am of opinion, that it was then, and after permitted to Officiate then in the Second Service ( as we call it ) in the Desk, till the Canon of Consecration, which the Ancients would call the Canon of the Mass, began. For in such Junctures, and Cases, I believe it was the command of the Church there only to minister.

And from hence I gather a Solution of the Riddle, and of the Objections made for the Direct Precept of our Church for Ministering the whole Office of the Communion at the Lords Table. The Difficulties and Arguments for the Indispensable Obligation to it, are founded upon the certain Command, which I grant ought Religiously to be obeyed, that command certainly appearing. Command Direct none is pretended, but Indirect, and Implicite is endeavoured

to be proved by Mr. *H.* and others from a two-fold Rubrick, the one requiring that the Minister stand at the North end of the Table, which he cannot do, unless he be there. This is very true. But can he not be there, unless he be commanded to be there? Or may he not be commanded to be there, when he actually is to celebrate, and so have Rules appointed how to order his Actions, and Station through the whole, but this must oblige to that place when the celebration doth not follow, nor is intended?

Again, it is argued from a Rubrick saying, Then shall the Priest return to the Lords Table. And this say they necessarily implies that he was there before. I grant it. But the question is not concerning his being there upon some occasions, and having been there upon such occasions ( as namely preparing for a Communion before Sermon ) he must return thither again having ended his Sermon. This teaches how he must demean himself when he is there, but does not prove that indispensably he must be there at all times, when so much, and no more is said, as reacheth to the proper Office of consecration. That this is no Querk or groundless Evasion, will competently appear from the Rubrick immediately going before, which is this, Then shall follow the Sermon, or one of the *Homilies* already set forth by Authority. Let them tell me now, whether this be not a direct Precept of our Church. Let them likewise tell, whether this be an absolute command, or Conditional only. That is, whether the Minister having proceeded so far in that Service, is absolutely bound to Preach, or read an Homily ( which I know none will positively affirm ) or only obliged when there is a Sermon or Homily, here to have it. Which I doubt not but will generally be granted to be the very truth.

From hence then in proportionable manner I infer, that returning to the Lords Table is necessarily imposed upon the Minister, when his Ministrations required that he should be there, and conditionally, not when it did not require him. And if it be yet urged, that he is always required, this is to beg the question, which could not be gained by Argument: And to fall into this circle he must needs be there because he must return thither, and he must return thither because he was there. And thus have I done with my first proof of my Proposition, *viz.* That the primary intention of our Church was ( imitating ancient Churches ) that the entire Service should be said in one place, and consequently that she never intended one part of the Communion Service should be Executed in the Desk, and another



ther at the Lords Table, but that remitting of its principal design in suffering the first Service, as now it is called, to be in the Desk, it is Probable that she yielded, that so much of the second might be there used, as related not necessarily to Consecration. And so of the two main Reasons arguing a necessity of the *Affisa Sicca* to be out of the Desk.

A Second Reason I make to be from not the Casual, but the Purposed Uncertainty of the Forementioned Rubricks diversly understood by divers Men. That there is no such Convincing clearness in them, as is pretended, I shew from a passage I learned from one of Arch-Bishop *Juxon's* Chaplains upon the sight of the last Reformation made of our Liturgie under this King: Who observing the Rubricks to Stand in that doubtful manner, as before, in the New Edition, where no Precept is given to minister out of the Time of the Lords Supper, and yet order taken how he that ministers shall stand and return, was much offended with the Bishop of *London*, Dr. *Sheldone* for not taking care of Rendring things more plain: but which way he desired more Perspicuity, I cannot tell, that this, whether by determining for constant Ministration at the Communion-Table, even where, and when no Communion was, I cannot say, or whether not.

A Third Reason I take from the Apparent, and Indubitable Tenet of the Church of *England*, which is, That all Sacred and Publick Worship of God be Intelligibly performed before the Common People, and more especially the Scriptures then Rehearsed. This I could shew, if need Required, from the judgment of some of our Gravest, and Learned'st Divines delivered to me upon this occasion, Instancing to them in this Inconvenience of the People not being able to hear, and much less to understand that which a man of Competent Voice Saith at the Altar, keeping their Seats in the Church, which hath more than one Alley, or Ile. You know mine hath three Alleys, and when I constantly used Ministration in the Chancel ( which you know is none of the least ) I have been assured by some most affected to the Church-Service, that they could hear nothing of what I said in the Chancel: And yet I am confident there are more Voices weaker, and lower than mine was, than lowder. Now what Apology can be made for such unknown Tongue to them that hear it not, which may not be made for a Tongue absolutely unknown, which is heard? I know none. I know in the *Greek* Liturgies often occur in their Rubricks *μυσικῶς*, and *ἐνφώνως*, i. e. Lowly and Lowdly: But their Low Voice is there only appointed when they speak not to the People, but apply themselves directly and especially.

pecially to God, as in actual Consecration. And the Author of the *Compilatio Chronologica*, at the Year 484. amongst the German Historians hath these words, *Tres Cause ob quas sub silencio pronunciat Canon Missa: 1 Quia Deo loquitur. 2 Tadium crearet Populo & Sacerdoti. 3. Ne vilescant Verba.*

The like causes may you find in *Biel Lett.* 19. or the *Masi* and yet more fully in *Viccomes Vol. 3. Lib. 3. Cap. 23.* which notwithstanding the Church of England never purposely hideth from the People any part of the Service, tho by accident all may not be capable of what is said openly: But looks upon it as a Corruption befalling the Worship of God in Tract of time: Ancienter Days allowing Explicite and Audible Pronunciation of those things which after-Ages made too Mystical to be made Common: As you may find well Proved by *Spalatensis Reipub. Ecclesiast. Lib. 5. Ch. 6. Num. 11.* And *Phorins Nomocanon. Tit. 3. Cap. 1.* proves the same out of the 5 Canon of *Laodicea*, and 5 *Basil*, and the *Code*. And therefore much more doth our Church require such Audible Ministrations. Which if she does, how she can require such a Ministration, as should neither be understood, nor so much as heard, Judge you.

Two things I am very Sensible may be here Retorted, one whereof is mentioned by Mr. *H. First*, That it may so fall out that a Man cannot be heard in the Desk, and so another manner of care ought to be taken against this Inconvenience as well as that. I answer, This is Possible, and doth divers times happen: But when the Church hath taken all Ordinary care to prevent an Inconvenience, and yet cannot, there is no more to be Expected from her, but such rare Inconveniences must be suffered, to prevent Multiplicity of Remedies, which like the Frequentation of Physick to obviate every little Indisposition in the Body Natural, would prove worse than the Disease. For as *Plato* was wont to say, To multiply Laws upon every light occasion seeming useful, is to cut off *Hydra's Head*, in place of which many will suddainly Spring up. Which by the way were to be wished would be duly considered by our States-men, who presently finding the Subject in the least Incommoded, must make a Law to cut off that Grievance, not foreseeing greater Evils ready to break out upon that Law. But to return, The Case is much different in the Service at the Lords Table, and in the Desk, when as the first by many is never heard, and the Second sometimes not heard by some few.

Another Objection may be, That as for the better hearing the former



mer Part of the Com. Service was brought into the Desk, so by the like Reason ought the other Consecrating Part be there also fixed. To which my reply is that, First, this by the Rubrick of that Office was, and is left to the Discretion of the Ordinary, who hath Power to bring the Com. Table into the Church, I suppose, when he Sees the Chancel uncapable of so great a Company as is to Communicate Ordinarily. Next I Answer, That there is a great Disparity in the Cases. For when People actually Communicate, they are not only Permitted, but invited to leave their Remoter Places, and Humbly to Present themselves in the Chancel at a Competent distance, so that they may heighten their Meditation by beholding, and Inflame their Devotions more fully, by hearing the Liturgist Officiate: But in the first Part this is not Permitted, nor would be liked.

Will you Please to hear the Judgment of *Martyn Bucer* in his first Chapter of his Censure of the English Service concerning this Point? It is very Harsh, for one that was much more Gentle then his Fellow Reformers of that time: His Words are these, *Ut enim chorū sit tam procul sejunctus a reliquo Templo, & in eo tantum Sacra represententur, quā tamen ad omnem pertinent Populum, Clerumque hoc Antiebristianum est.* I English nothing to you: For you know this to be severe. And little less is that of *Merick Causabon* Son of *Isaac*, and Late Prebend of *Canterbury* in his Treatise of Preaching Pag. 21. If I mistake not, Speaking thus, However this Occasion being given me, I cannot but profess my Great Dislike, that the Service, and Sermon should be Parted any where, the one, in one Place, and the other in another, if it may possibly be avoided. Especially at such a distance, as it is here with us in the Cathedral, and Metropolitcal Church of Christ in *Canterbury*. I Conceive it one Reason, that so few are acquainted, and by Consequent, not more in Love with the Service. I leave this to Consideration.

But I gather from *St. Aug.* words in his first Book *Contra Epistolam Permeniani*, Ch. 7. That tho the Priest minister'd in the Chancel, yet the People both heard and understood, and said *Amen* to the Prayers, as these words Testifie, *Populus autem, cujus ille Sacerdos est, adhuc foris gemit: Nam cum Episcopus solus intus est, Populus & orat cum illo, & quasi subscribens ad ejus Verba, Respondet Amen.* This being within of the Bishop, and this *foris*, or without, of the People, who answered *Amen* to his Prayers, was much different from our Church and Chancel. For indeed they seem to be divided not much other-

otherwise than that Place within the Rails from the rest of the Chancel; or as myself have seen in some *Greek Churches*, as a Skreen with two Doors divides one Part of an Hall from another, which hindered not the People from partaking of what was there with-in done by the Bishop or Priest. But when Zeal toward the most Sacred Place, (as they judged that, wherein the Service of God was specially performed) caused men to build Ample Chancels distinct from the Body of the Church (to Speak the Plain truth) they fell into a Pious Errour, and brought great Inconvenience into the Publick Service of God in the Judgment of all those, who look upon unknown, or unheard of Worship; as contrary to true Christian Communion. Of the Number of which seeing our Church hath ever Professed it self, how can we fairly suppose she should contradict her own Doctrine by her Practice. And thus far of my Second Proposition.

My third and last Proposition (for 'tis more than time that this Discourse were ended) is this. That upon Supposition that once it was the real Intention of our Church, that no Part of the Second Service, even when there was no Communion, should be said any where but at the Communion-Table, Custom hath both weakned that Law, and Interpreted the meaning of the Church so far otherwise, that it cannot deserve that odious Name of Conventicling to Read one Part of it in the Desk. This I purposely set down thus, and directly oppose to the main Column of this Gentlemans Discourse built on the contrary, which he farther Buttresseth, (as I may so Speak) with many Inferior Reasons: As the unreasonableness of Custom to overthrow a Law. For tho saith he well, *Pag. 6.* a Custom not prevented by a Law, maketh a Law, yet where a Law goeth before inconsistent with the Custom, Custom cannot, and ought not to Null that Law, being not orderly Rescinded.

Again, (I give his meaning, not sticking to his words) it is a Grievous Affront to the Kings Majesty, and Authority, thus by Custom to be Baffled. It is a Great Breach upon the Churches Authority to have her Canons and Orders thus slighted. It is an Intolerable Presumption for Private Priests of their own Heads without good Authority, to judge of what is Convenient or Inconvenient, what is Decent, or Indecent, what Superstitious, or not Superstitious, contrary to Publick Decrees, and I may add, it is the Pest, and Ruin of this, and all other Established Churches, the Pre-  
tended.

tended Charitable Compliance, with pretended tender Consciences of Private Men against the Conscience, and maturer Counsels of Superiours. All this I acknowledge to be very important, and deserving due Consideration : Which I shall endeavour to give to it, by opening briefly the Power, and Nature of Custom, not only when there is no Written Law to the contrary, but where there is. And this I shall do by running through, and giving Instances in all sorts of Laws, as Civil, Common Law with us ; Canon Law with other Churches as well as ours, in all which it will appear what Great Influence and Efficacy Custom hath over them ; and so, no such new, notorious, or Intolerable thing is said or committed in Custom here predominating over the General Rule here supposed by that worthy Gentleman.

I shall begin with the Judgment of that Learned Dr. *Eaden*, late Master of Trinity-Hall in *Cambridge*, Inferiour to few of his Time, and none of this Nation in knowledge of the Civil Law, as I am assured by those that knew him better than I did. It being demanded of him, what he thought of Custom contrary to an unrepealed Law, or Statute of a Colledge specially ? He answered, Custom doth prevail in such Cases. And being urged a Second time, and demanded, But what if there be such a Law made that saith, by way of Anticipation of abuse of Custom, that no Custom which afterward may possibly arise shall make void such a Law, shall Custom prevail also against such a Law ? Yes, ( answered he ) Custom is to be observed against such a Law also.

And that he spake not without Book ( as they say ) or without good Reason, I shall shew, beginning with the Civil Law. But first of all must we agree what Custom is. *Consuetudo*, ( saith *Isidore Hispalensis*, Lib. 5. C. 3. ) *est jus moribus institutum*. Now it is not so well agreed upon by the Learned *Civilians* what Continuation of Practice maketh a Lawful Custom. Some Lawyers, and Laws (as I could Instance in, were it seasonable) make twenty Years a Competent time to produce, and denominate a Custom ; others Assign an Hundred Years, others forty. Now choose which we will of these three, there will be good Ground to found a Custom of not necessary Observation of the Service at the Communion Table, out of Communion. For tho ( as Mr. *Hooker* said, *quoted* by Mr. *H.* ) the said Service was commonly there used, when there was no Communion ; yet it is much more certain that more Common and General it was to omit it, and that for these Hundred Years.

And

And besides Experience, I think the Argument of the quarrellsome Sectaries, do prove so much, who would not have dared ( tho they be daring enough ) to have called it an Innovation, had it been in the Memory of Man Generally observed.

But in truth, it was their wonted, and affected Ignorance, which so Venturously and Mischievously transports them oftentimes to call it an Innovation, when they could not be so stupid many of them that had ever seen and been present at a Cathedral, but they must acknowledge it to be almost as Ancient as the Reformation, than which they are wont to desire nothing Ancienter. Here therefore we may bring in the finer Discourses of such who will distinguish Use from Custom. For Use may that be called, that which is not altogether laid aside: But Custom that which is most Common and Prevalent: And such undoubtedly is this Omission we speak of. Some add a third kind, which they call Prescription, but *Vasquez* in 1. 2. *Thomas*, tells them well, they are mistaken: For as much as Prescription differs from Custom as to Degrees, or as a Child from a Man. One or two Acts or Examples the Lawyers will allow for a Sufficient Prescription: but they cannot alledge them to be a Custom: Custom being that which for Multitude, and Extent exceeds all other Rules.

Now for the force of Custom, because some are of opinion it dependeth upon Authority to be of Weight, I shall give you *Vasquez* his Judgment in *Thom.* 1, 2, *Tom.* 2. *Disput.* 177. *Cap.* 6. § 52. *Ego quidem*, saith he, *Existimo, si loquamur secundum jus Canonicum & Civile Imperatorum, Consuetudinem posse introduci absque ullo actu Speciali, solo Extrajudiciali usu.* Nam in jure Canonico nullus textus est, in quo contrarium statuitur; In Civili vero Imperatorio est lex qua exigat duas Sententias: That is, as I understand him, which required two Judgments, one taken from the Law written, another from the Law unwritten, or Custom. And he that shall advise with *Thomas*, 1. 2. *Quest.* 79. a. 3. and his Retinue of Commentators shall find these three Properties Generally ascribed to Custom. 1. That it abrogates and takes away the Law, which I confess I assent not to, giving my Reasons hereafter, because it only voids the Present Obligation to it, and not destroys it absolutely. 2. It Interprets Law. This I hold generally true. 3. It brings in a New Law, i. e. there being no Law Antecedent opposing such a Law: For in such Cases it only lays the Ancient Law asleep, not kills it.

I might enlarge more upon this Preparatory Discourse to Custom: But I come to the thing it self, and the effects of it. First in Civil Law, to make void ( as even now I said ) the Letter of a Law Prescribing otherwise: So that if besides General Obligation of Obedience to Lawful Governours, men for the firmer Ratification of it, and Observation, shall take an Oath to keep it, his Oath according to great Interpreters, doth not necessarily, and fully bind according to the Literal sense, when a General and long Custom prevailleth to the contrary. I here to prove this, alledge the words of *Gerson* Chancellour once of *Paris*, *Coroll. 13. Pag. 6. De vitâ Spirituali*; and the rather, because Mr. *H.* hath plainly said, that such *Consuetudo* is no other than *Corruptela*, which is directly confronted by these words of *Grave Gerson. Omnis Lex humana est vel Positiva, in eo quod non necessario participat cum Naturali, & Divina. Hac autem Abrogatio fit vel per Consuetudinem oppositam juxta quod dicunt Jurista, & verum est, quod Consuetudo est optima Legum Interpreter. Nec unquam dicenda est Corruptela, nisi ubi Legem Divinam aut Naturalem ledere convincitur.* And by and by he adds. *Fit autem Abrogatio per Expressam, aut Interpretativam Revocationem factam ab illo, qui condendi habuit Potestatem: fit denique Abrogatio Causa manifesta Damnationis, si Lex illa Servetur.*

Here is matter offered of a Refutation of Mr. *Harris* Supposition, that such a Custom, as we now contend for, would be both a great Corruption, and Abrogation of the Law supposed to enjoin this Practice. For this would be only an Interpretation of the mind of the Legislatour in the like Juncture of Weighty Circumstances. Again, it would not be such affront to the Kings and Churches Authority, they both looking on and permitting this Custom enervating their Law. And besides, where a Law is Abrogated properly, there goeth before such a Recision, and Repeal, which deny Power Ordinary to the Authors of that Law, or Constitution, that it no more can be of force without a New Act Establishing it: but where long Custom hath voided it for a time, it remains still with the Dispensers of the Laws, whether Civil, or Ecclesiastical, to Revive and Reinforce it, without any new Solemn, and formal Enacting of a new one.

This farther appeareth from Statutes of Universities, Colledges in Universities, and Collegiate Churches: The Members of which oblige themselves to a due Observation of them, and you see what great Latitude is suffered by vertue of Custom subtilly, and Insensibly  
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creeping upon such Foundations, whereby as the Ivy eats out the Heart and Life of the Timber-Tree in time, the force of them is almost lost. Of this the same *Gerson* in the same Place *Lectur.* 4. thus taketh notice, *Nobis præterea dicendum videtur multa sunt Institutiones, ad quarum Observationes videntur Omnes se Quotidianis Juramentis obstringere, quas tamen observare non tenentur. Non quod Perjurium sit licitum, sed quod talia Juramenta semper sunt intelligenda civiliter. Horum Exemplum sumere possumus in præclara Universitate Parisiensi.*

Now what he means by Civil sense of Precepts of our Superiours and Obedience of Inferiours, he intimateth to us in his Treatise *De Perfectione Cordis*; that Obedience Sworn to our Rulers, extends not simply to all things, but only such as their Power extendeth unto; And in the former Treatise again our Obedience he makes fourfold. 1. Of Necessity 2. Of Congruity. 3. of Counsel. 4. Of Perfection. So that in things not of Necessity, a lower Obligation tyeth us. *Bernard. de Precept. et Dispens.* c. 16. wisely considers two things in taking upon a Man Obligation to Superiours, the *Preceptum* against Sin, and the Remedy Provided against a Transgression of our Superiours Laws, and concludeth, *Solum igitur existimem fregisse votum, violasse propositum, prævaricasse pactum, qui & præceptum contempserit & remedium.*

Here we have the true and genuine Character of a Phanatick: For to violate a Law, so as to contemn it, and the Propounder of it, is to fall into Notorious Disobedience, and Contumacie odious to God, and destructive to all Government: And having so done, to refuse the Remedy of Admonition, and Submission, is to be Perfect in modern Impiety: From which no Priest being Censured for not Ministring at the Altar according as our Author requires, and still obstinately refusing, preferring his own sense, and the will and good liking of the Common Sort, before Governours, can well excuse himself: But while the Case is left at large, and notice taken of such Omission without Censure, the Case is altered.

And I will now make this farther good from the Common-Law, from which Custom hath given sufficient Dispensation, the Law remaining in it's Native force unrepealed, and unabrogated: For which I shall follow the Judgement of that Learned Judge, Chancellour *Elsmere*, in his famous Case of the *Postnais*, Page 48, 49, 50. Where he giveth divers Instances of change of Laws, and contrary Determinations of Judges to Ancient Precedents and Prescriptions, standing there unrepealed. Formerly, saith he, and shews

one Present, Aiding, Comforting, and Assisting a Murther was taken to be no Principal, but an Accessory; but now is judged Principal. Again, the Remainder in Tail anciently could not have an Action of Wast against a Tenant for Life: But afterwards he might. Anciently the Vicar could not have an Action against the Parson: But now he may, &c. And how came this Change but by Custom? And how came this Custom, but by one or two at first varying from the Ancient Rule? And yet the Kings Authority was not supposed hereby to be invaded or affronted, by which Ancient Laws Subsisted; which Mr. H. with great Zeal pretends must hereby wonderfully suffer, if so be such a Change should be made in Ecclesiastical Laws.

The Reason why the King and Church lose nothing hereby, is, because as Judges are Delegates of the King in Civil Matters, and being Subordinate to him, what they do passes as done by himself, he not entering his dissent: So the Bishops, so far as concerns the Civil Sanction of Laws Ecclesiastical, are deputed by the King to preserve, and execute such Laws, which if they do not, but by Conivence give way to a contrary Custom, in time proving a Law, they are, if not Authors of, accessory to their own affronts, and swervers from the old Letter, thus by Practice interpreted, and in great Measure justified. A more apparent Instance of Yesterday (as I may say) may be given in Custom opposing and nulling the first Act of Parliament for Burying in Woolten, until it was Reinforced by a more Strict and Penal one. And another more Pregnant Instance we have in the Act requiring that all Waggon, and Travailing Carts should have Broad Wheels, which never took Place, but being Generally neglected, that Act lost it's end, and Vigour without repeal.

And now, to touch upon the Canon-Law, and it's Obligations against inveterate Custom, I shall set down what I find in *Biell*, Lesson the 3 on the Canon of the Mass, out of *Gerson de Contract. Propos. 16*. For I Remember not the Passage my self in *Gerson*, and am in too great hast at present to search for it. It is this. *Ubi Papa, vel Ecclesia, vel Legislator sit, vel quando Constitutiones non publicantur, sed dantur oblivioni, vel non approbantur moribus Uentium* (Note well this) *sed passim declinant in oppositum, cum Constitutiones illa desinunt habere vim Obligationis, tanquam abolita per non Usus, vel Consuetudinem oppositam, qua est optima Positivarum Legum Interpres.* And it is well known to indifferently Learned in the Doctrine of Councils.



Councils, and their Decrees, that there is a strong Party in the Roman Church, tho not the greatest, that say, Acts of General Councils oblige not until they be received: Yea, that a Council is then General, when it is received, and not otherwise, which tho it makes for my present purpose, is denied by me, as very absurd to affirm.

Yet this is most certain, ( and I hope no man of Common insight into Ecclesiastical Story will deny so far as to put any Body to the expence of so much Labour as to prove ) that Innumerable Canons, and some called Apostolical, are totally laid aside by a contrary Custom growing upon them, and oppressing them. Let us only reflect upon things done at home, and concerning the keeping of *Lent* ( the time I now write this ) is there any more express Law, or Canon for other things, than for this? And yet do not you see what a Gross neglect there is in Observing it? And how few make a Conscience, as they ought, of it? Doth not the Law stand entire and vailid, as ever, and yet Custom prevaileth to the contrary? Are all Phanaticks that omit it? For my Part, if this Gentleman shall say so, I will not oppose him, especially if Contempt and Contumacy be found in the Case, or Pishing, and Pushing at the Authority of the Church, which alone sufficeth to Characterize a Sectary.

And the like have I already said, and shall say once more, concerning not Officiating at the Lords Table accompanied with contempt and Contumacy, that it is Schismatical, and Phanatical. But I deny all Serving of God in Publick not exactly agreeing with the Liturgy, to be Conventicling, which this Gentleman affirms *Pag.* 7. but cannot prove. But then he demands *Pag.* 8. When a Dissenter, and what doing; how much, or how little differing he becomes a Nonconformist? Certainly *Nonconformist* being taken according to the Etymology of the word, the least difference in Practice makes a Nonconformist. But Nonconformist is of a more large and Civil sense, rather than Grammatical in Common use. For the two Parts that make an Heretick, constitute a Schismatick too, and Nonconformist. Not every light Errour, but one of Moment, and not every one of Moment, but such as is stoutly, and boldly defended makes an Heretick, and Nonconformist in Ceremonials.

It is farther objected, That to approve the Multitudes frowardness, and Pretence of tender Consciences against Authority, is to endanger the whole State of the Church. I grant it to be most true, that

nothing can be more Pernicious to Ecclesiastical Order, Unity, or Charity, than Charity pretended to Private and Ignorant men's Consciences against the wiser, and Weightier Determinations of our Governours: Especially we considering First, that no Just Cause is given for to offend Conscience; and Secondly, that we must take their own bare word, that their Consciences are really offended as is pretended, and that not rather some other wicked Passions, and Peevish, Envious, Ambitious Humour to be valued, and give Laws to their betters, wearing the Clothes of Conscience, puts them upon such Perverse Disputings, and Refractoriness.

To prevent which, it seems to concern Governours to judge fully of the End and Use, as well as Form of Laws, and especially of the Form it self, and accordingly to interpret, and enjoin what doth appear to be Legal, and Canonical, without suffering Custom insensibly, but in Tract of time so strongly to encroach upon them, that both their Authority, and the things Commanded should become doubtful. And that Variation and Exemption from Rule may proceed rather from their Particular Dispensation, than the choice or Liberty of him that is Singular.

Now what those Cases are, which may require an Equitable, or Favourable sense, rather than Literal, or Rigorous, some may presume to assign, and I for my Part could alledge, not only the unprofitableness, in great Part, not absolute ( for I make no doubt but considerable Benefit doth redound to the Deaf, and not actually hearing, being present dutifully at the Ministrations of Gods Officer in Publick Prayers ) of such as are at Church at the time of the Communion Service at the Altar: But mine own Infirmary, which you know, hath of late Years appeared too Notorious: But I hold it more prudent to refer things of this nature to be judged and resolved in a Synod, which God in his due time send for the Reformation of such Errours, Obliquities, and Defects, as have and must necessarily creep into a Church without more Frequent, General, and Publick Review of the Rules of Discipline, than hath of late Years been allowed. And so I conclude, professing all readiness to such Resolutions above mine own Understanding, not exceeding my Bodily Power also.

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*Preliminary Reflections to the Ensuing  
Treatise, occasioned by two Papers of the  
same Subject.*

**I**N the beginning of *March* last receiving from a very good Friend and Reverend Brother ( I may more truly say Brethren ) a Printed Treatise entitled *Parish Churches turned into Conventicles, &c.* Wherein the Author endeavoured to shew that the Ministration of the *Church of England* not performed at the Communion-Table ( which he supposed to be commanded by the Church ) rendred the whole, *Conventicling* ; and being desired to give mine Opinion of the same, I, tho under great Indispositions at that time, applyed my self to declare my Judgement thereof in manner following : which I returned to them that same Week, not intending to have it made Publick.

But in *July* following receiving from the same hands two Papers more, the one called *Parish Churches no Conventicles, &c.* in a Letter to his Friend *N. D.* and the other, whose Title was, *Moderation a Virtue : Or a Vindication of the Principles and Practises of the Moderate Divines and Laity of the Church of England, &c.* in which an Appendix was specially added against the foresaid Treatise of *Churches turn'd into Conventicles*, ( of which also I was desired to give my Sense ) I perceiving both the Replyers commended Moderation so much, thought they, nor any of their Perswasion, could take it much amiss, if I stepped in between the two Extremes. *viz.* the Gentleman, and his two Adversaries.

And to this Purpose I must declare my self to be much Scandaliz'd with the Title of the Gentleman's Book : but upon later Information, that himself upon better thoughts, was not very well pleased with it, I rested better satisfied, and so should others too, if it be so. How far I approved the Work my following Discourse will shew. On  
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the other side, when I discovered so much Gall, and Bitterness on his Adversaries Part, especially by *O. V.* I could not well brook the Treatment they gave him, even supposing he erred, and they had hit the Mark.

But especially, I observed how both were weakly hurried down the Torrent of Vulgar Acceptation and Sense of Moderation: which doubtless they ought better a great deal to have understood, before they built upon such a Slippery, Sandy Foundation the whole Fabrick of their Tottering Discourses. For to me this seems to be the great occasion of Divisions, and Schisms, that every man fancies to himself a Mean, and Moderation; comparing himself with himself: And because he can instance in some on both hands, that differ from him, and therefore must needs be extream, he applauds himself, as having hit the Golden Mean: Defining Moderation, as he in *Aulus Gellius* did Man.

For being demanded what was Man; answered wisely, *Socrates* is a Man, and himself was a Man. So these men being demanded, what is true Moderation, in effect answer, It is to doas they do, and to be able to shew that both sides of them do otherwise than they. Whereas upon due Examination, according to the Rule of Moderation, either of such Extrems (as they call them) are more Moderate than what they magnifie for such. And to such Moderation as this, Preduce Mr. *Baxter's* Unlearned, as well, as Vain and Vile Distinction of Occasional Communion: As if constant Communion were not Occasional also: And his Occasional Communion with the Church of *England* (a little to turn the edge of the Arguments proving him to be such) were not constant Schismaticalness, notwithstanding this Plausible Shuffle.

If Occasional Communion be the thing they approve, why do they not Communicate with the Church, but when they have no occasion, to go to a Conventicle, and perhaps play the Minister there? By which, Occasional going to Mass, and more constantly to a Conventicle, may be called Moderation too. And if some men of the Church of *England* leave the Communion-Service quite out, while others use it in the Desk, they may be termed men of Moderation too: As he that lays claim to an whole Estate, tho most unjustly, is a moderate Man, if he acquiesces with one Field or two for Peace sake, when not a Foot is by Law due unto him.

And doth not the present Moderation come to this, as if the Enemies of our Church should say thus, as they truly may. We have by

by innumerable false, and wicked Slanders cast upon the Government, and Governours, and Service of the Church of *England*, disaffected many People from them all: And having so done, we seasonably and successfully took Arms<sup>e</sup> and beat them all down, and confounded them; but an overruling Power and Providence causing us to let go our hold, and vomit up that sweet Morfel we had once swallowed, we now address our selves to the Church of *England*, that they would Fairly, and Peaceably, and Charitably give all again for the asking for: and if not all at once, by Degrees: First granting one thing, then another, and then a third, and so on; our Arguments and Reasons being always as valid for what remains, as for what shall be yielded to us, and we continuing as unquiet and restless until we be possessed of all, as we were before any thing was granted to us; and this Motive being always obliging Peace, and Unity, which we promise to keep with them of the Church of *England*, when they shall in this manner become of our Religion. O Singular Charity, and Divine Moderation!

I must confess our Author of *Moderation a Vertue*, makes an offer *Page. 23, 24.* as if he would unriddle this Abstruse Notion; and tell us what is Moderation: But finding ( as it should seem ) the task too hard and dangerous, and so hot, that it would burn his Fingers, and cause him to let go his Pen Writing for it; after a flourishing promise, he falls quite off from the true Question, and Difficulty, and leaves it to shift, and plead for it self: and betakes himself to the Commendation of the great vertue or habit of a Temperate or Moderate Mind, and Disposition: Which is very fine, and laudable, but nothing at all to his purpose; which was to declare unto us *μὴδὲν τὸ ἀγαθόν*, the Mediocrity of the thing, as the Philosopher speaks. He should have told us which was the true Mean in Religion, which was the Moderate Worship of God between two vicious Extrems: but this he either considered not, or more wisely than faithfully avoided. For I doubt not, ( whatever he doth ) but a Papist, a Quaker, a Presbyterian, a Jew, a Mahometan may be a very Moderate and well Temper'd Man of mind, and Modest: but what is this to our choice of our Religion from the Equity of the same, and Moderateness?

And yet this Moderator himself was but little acquainted with this Vertue he commends, as may appear by his taking into such rude, and ridiculous Consideration, a Sermon laying forth the iniquity of Pretenders to such Moderation as he fancies: But that I meddle



meddle not with, as quite from my purpose : Yet is it not so Impertinent, as his extremities in wringing the Nose of all Canons and Rubricks of the Church, which he stomachs, with so much and strange violence of interpretation, that he forces blood from them. According to which Practice we shall never be able to understand one another any longer than we talk together, nor then neither, our Backs being a little turned, and such canvassing used.

But we supposing that the Constitutions and Canons of the Church, tho, ( as in such Cases it must necessarily happen ) some few may admit of various Constructions, were much more clear and intelligible before, and without his Scholy, than with it ; we earnestly demand of these Reformers of Reformation, and Moderators of Moderation, before they so apertly presume to modellize the Church according to their Scantling, to give us the true Notion of Moderation in more General Terms than hitherto ; that we may know better how to accommodate our selves to their Expectations : And Secondly, that they would set about the work to purpose, and prove by good Rules and Authority ( not their own, the worst and weakest of all men ) that the Church of *England*, as now constituted in all it's Habiliments, Rites, and Ceremonies, is not the most Moderate Church can be produced, or instanced in by them.

Nay, I will venture to add one Challenge more, If we cannot make it appear upon better Ground, that more might be added, than any of them shall bring, that more should be taken away than is, then we will lose our Cause, and they shall Triumph with Cause, who have hitherto without Cause.

This we would not have said, but that we are perswaded we can do it, and that upon this, our unquiet, and querulous Brethren would cease their Complaints, and rest satisfied with the present State of things, lest a worse thing happen unto them. For tho I approve not that saying which Mr. *Baxter* notes as most dangerous to them, and Notorious, nor can I tell, but by his Reports, ever any such thing was said of Dissenters : That if they would not be quiet, they should have more things to trouble them : Yet I say this, according to all indifferent Rules of Judgment, it is altogether as reasonable that the Ceremonies of the Church should be more Numerous, as they can make it, that those we have, should be abolished, or fewer.

Lastly, we demand of these men, if they cannot give us the true, and genuine Definition of Moderation, they would at least draw up  
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such a Scheme of Religion, as shall be accounted by their own Adherents, moderate, and not extream. I confess I have met with a late Pamphlet, which seems to aim at such an end, bearing this Title, *The Woe of Scandal*, shewing the evil of imposing things on mens Consciences *Acknowledged to be indifferent*. This Title imports a closer State of Matters than others, but how he manages his Cause, I cannot say, having not read two Leaves, if Pages in it: And in truth, I saw no Reason why I should, had I but little else to do; considering how his clearer State of matters is a perverting the whole Controversie. This being the truer State of our Differences, *viz.* The Woe of Scandal belonging to all such as refuse to submit to all such things as are acknowledged to be indifferent; Lawful Authority, and Judges of such matters requiring them.

But leaving that, I return to *Moderation a Vertue*, who in his Appendix against Mr. *Hart*, or *T. A.* as he calls him, would fortifie his loose Sense of Moderation, Page 78, 79. by a number of eminent, and Learned Divines of the Church of *England* some of them, but others professed Enemies thereof, until Lucre, and Ambition opened their Eyes to dissemble their Nonconformity, and who these are, I leave the Reader to judge, as is very easie; and therefore unfit to sway in this matter. Others I acknowledge were truly of the Church, and yet commended highly Moderation: But what kind of Moderation? The Vertue, not the new Model. And that is not at all to his purpose, but against the bitter Spirits, and strange groundless Animosities of Dissenters, who had they their Wills, would tear Kings from their Thrones (as very lately they have endeavoured) and Bishops from their Sees, for to put down Ceremonies, and think their own Blood, and the Blood of others well shed to accomplish these ends, as Mr. *Jenkins* for one, hath said.

Lastly, I grant that some Learned, and Good men of our Church were much disposed to a Remission of some things Established; But I pray upon what Grounds? Any taken from the things themselves appointed? very rarely do we meet with any such: Or from the Persons or Parties aggrieved with them? This was most usual. But first, they should have considered, that the Relaxation demanded was as grievous to others, as the imposition to them. Next, this was only during the fair Face, and carriage of many good Natur'd, and in General, well affected to Religion, but cheated into a Prejudice against the Forms of the Church by Pious frauds: But when the Imposthume broke out into such a foul Ulcer, as made  
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them, and their close design stink in the Nostrils of all understanding and honest men, not too far drawn into their Net, they chang'd their Minds, and bent their Doctrine, and Discourse rather against the Immoderate Passions of the Mind, than the Immoderate Worship, as ours was, and is still slanderously called.

This I speak not without as great, and good Authority, as any ingenious man can desire, and that is of *Sr. Francis Walsingham* Secretary to Queen *Elizabeth*, and one that was once (till Experience better taught him) a real, tho moderate Favourer of the dissenting Party in those days: And thus writes he of them, in his Letter to *Monsieur Cruiot*, which you have in the Close of the 24. part of *Dr. Burnet's History of the Reformation*, in these words, *Page 420.* For the other Party, which have been Offensive to the State, tho in another Degree, which named themselves Reformers, and We commonly called Puritans, this hath been the Proceedings towards them. A great while, when they inveighed against such abuses in the Church, as *Pluralities*, *Non-residence*, and the like, their Liberty and Zeal was not condemned, only their Violence was sometimes censured. When they refused the use of some Ceremonies, and Rites as Superstitious, they were tolerated with much Condescendence, and Gentleness. Yea, when they called in Question the Superiority of Bishops, and pretended to a Democracy in the Church, yet their Propositions were considered, and contrary Writings debated and discussed. Yet all this while it was perceived that their Course was dangerous and very Popular: As because Papistry was odious, therefore it was ever in their Mouths that they ought to purge the Church from the Reliques of Papistry: A thing acceptable to the People, who love ever to run from one Extrem to another.

Here you may first observe that the Church of *England* in it's Reformation stands between two Extremes, and I think that is to be Moderate. And next you may see by late effects, what is the end of the many Specious and Pious Pretences of these Moderators; and gather what it is ever like to be: Who are wont (not being able) not to cut the main Timbers of our Constitutions a pieces at a blow, but Chip by Chip: Which they call Mereifulsness, and Moderation, as that, which may be spared till all be spoiled. And I could instance in some of these his Witnesses of Moderation, who have taken their Lesson out of *Sacina*, and cant with the *Arminians* about Liberty, and forbearance, themselves being in no Capacity

pacify to domineer, as the *Arminians* did once being uppermost : But now ( good Men ! ) brought under Original Sin, and the received Doctrine of it, is but an unnecessary Doctrine, or rather false Doctrine, but Liberty of Prophecy, true. And the Mystery of the Trinity must not oblige, but as a thing, which may, or may not be received. And *Holy Jesus*, the *Holy Jesus* over and over again, must stand instead of such usual Appellations whereby he should be known to be God and Man.

And all this I take to proceed from the Moderate, but Phantastical *Dogme* found in the Cases of Conscience of that Great Man, viz. That nothing must be imposed, but what the Scripture requires : And this Grounded on the Reason of *Calvin*, and his late Admirers, lest otherwise our Governours should multiply Impositions without measure : Upon which Ground we may Null the Power of our Natural and Civil Parents, who certainly may exceed due Bounds in their Commands, and therefore the safest way would be to deprive them of all : And thus under Colour of Liberty, and Moderate Government shall we see *Anarchy* both in Church and State, untill the Intolerableness of that constrain to accept of another, perhaps much more Tyrannical, tho managed by many Men ; being ashamed to return to that which they cast off for less Causes than they have, to quit themselves of that they have Imprudently brought upon themselves.

But no more of that Subject, something being due to this Authors Act, and Project of distorting ; misconstruing, confounding, and in effect Nulling all Canons and Rubricks lying in his way for tender Consciences sake ; that so the Rules, and Practices of the Church being made acquibrious, and indifferent, or perhaps of no Obligation at all, Liberty for such Consciences may be allowed, and the feat succeed more softly, but no less surely than by open Defiances, and Ruptures.

But ought he not here also to have told us what is a Tender Conscience, and who they are that claim Benefit from such Pretences ? For how little good that Plea can do any Fanatically disposed, will appear from these Reasons. First, that we of the Church of *England*, pretend as strongly, and more reasonably, to Tenderness of Conscience upon parting with such Rites and Ceremonies, as they can do in opposing or avoiding them : Shall we therefore take a Thorn out of their Toe, and put it in our own ? If they say we acknowledge them to be indifferent, and so, such as may be

omitted for Peace sake, we say they likewise must, and do hold the same indifferency in Nature, as we do, and therefore ought no less to accept of them for Peace and Unity sake. Yea, more obliged are they to this, than we, to the other, Authority lawful turning the Scales on our side.

Secondly, we directly deny that the Party can be said to be tender Conscienced, when as such monstrous Acts and Effects of them, not as single Private men, but as Prosecutors and Advancers of their Faction, all along from the beginning of Queen *Elizabeths* Reign to this present day, and most of all, and latest of all, have appeared to prove the contrary. And the Sins that are theirs, as United, are they we are to judgethem by, and not those of Persons only. So that Thirdly if they have tender Consciences, we cannot possible know that they have such, tho they tell us never so often, and loudly, that they are the Men above others, that are so qualified. And therefore this not appearing, is as not being, to us: And consequently, can be no Rule, or motive to induce us upon such blind Grounds, to leave our Station.

Fourthly, if they had tender Consciences, and we knew it, it could be no good, nor wise Act in us who (as is said) have as great, and just a claim to that Pretence as they, for us to relieve them to our own mischief.

And thus have I done with the Moderator Writing against them, who are no Friends to his Grindallizers, and Trimmers, as it seems the words are now adays, which I knew not before I learnt so much from his Title Page: And might have well doubted, whether this lover of Moderation; that is, he knows not what, be Resident upon his Cure, as he there also professes to avoid the Suspicion of the Leader of a Conventicle: But in truth he doth not attain this end, there being so many ways of Equivocation, invented now a daies to seem what men are not, and not to seem what they are, that 'tis not incredible that his Cure may be a gathered Church, tho I knowing nothing of that, affirm no more than I know.

But now I apply my self more particularly to *O. V.* and his Letter to his Friend *N. D.* both true Sons of the Church of *England*, as they Write themselves: But I think they should have added to that Character, this Supplement, *For ought they know.* For there is great Suspicion that *O. V.* hath taken some of his Instructions from the Conference of *Worcester-House*, as Printed and Published by the Dissenters, where this Sentence of *Socras* in his Ecclesiastical History,

*Lib. 5. 23.* is made great use of to the same end, that is, as little purpose, as here, viz. *Those of the same Faith differ as to Custom from one another.* Can this reach Mr. *Hart's* Case, think we? Or so much as prove any such Moderation of Rites, and Ceremonies our Church requires.

This the Conferrers, and surely this our Present Vindicator imagined, deceived by them in all Probability: But they are all much mistaken. For *Socrates* meant nothing less than to countenance, or so much as to say, that any Church in the Christian World, in those, or Ancienter Days did ever allow any of their Subordinate Members to differ from the Rules of their Respective Churches, or to differ from them in Rites and Ceremonies, and least of all in such things which were prescribed them in the Service of God. But this is the plain and certain Case between the Church of *England*, and the Dissenters, and their Advocates pleading for Moderation and Liberty in things standing determined by their Superiours. But *Socrates* tells us how several Churches of several Nations, and Provinces under Coordinate Governours, did use their known Liberty in forming the external part of Gods Publick Worship, somewhat diversly. And doth the Church of *England*, or any of it's Defenders speak, write, or act otherwise? This were indeed blame-worthy, but no such thing appears, and therefore Mr. *Hales* of *Eaton* famous for his Learning, might have shewn his Judgement, as well as his Reading, if he had made no such use of such Instances as these, and taught others so to do.

To this stumble in the very Threshold, I might add another Error charged upon Mr. *Hart* in the Title Page, which pretends Mr. *Hart* defames the Church of *England* contrary to the 11th. Canon of those 1693. But I find no such Defamation chargeable upon Mr. *Hart*, nor proved by him, as is attempted Page 3. The Canon, even as quoted by him, speaks thus, *To affirm and maintain, that there are within this Realm, other Meetings, Assemblies, or Congregations of the Kings born Subjects, than such as by the Laws of this Land, are held, and allowed, which may rightly challenge to themselves the Name of true and Lawful Churches.* This is all with him, but scarce sense without that which follows in the Canon, *Let him be Excommunicated, &c.*

Now the matter is, how to bring to this, any thing that Mr. *Hart* says in any place of his Book: The most, and worst that he hath in all his Book is the Title, *Parish Churches turned into Conventicles, &c.*

do. Does this at all contradict the Canon mentioned, which flatly denies all Assemblies in opposition to our Church to be any true Churches? The Canon does not so much as say that the Church of England is the true Church, therefore he that should say it is no true Church, doth not defame it upon the account of that Canon, tho upon others he doth. But I cannot think it was ever in Mr. *Mart's* mind to deny the Church of *England* to be a true Church, but to affirm that such Parish Churches as did deviate from such Prescriptions as he conceived all were obliged to, in that particular, did Symbolize with Conventicles; in which acceptation, his meaning is more just, and sincere, than to be confuted either by your, or my Labours.

And this probably you found by Experience, and therefore you more wisely, than justly relinquish the true State of the Case, and all along fall upon his Person, and Qualifications with greatest Scurrilities, and Reproaches, becoming rather the Son of a Conventicle, than a Son of the Church of *England*; which manner of Confutation I have chosen chiefly to except against.

First, you acknowledge him to be a Gentleman; you had in my opinion, done much more advisedly, and peradventure more successfully, if you had shewn your self to have been such too, by Civil Usage, and especially if you be of the Clergy (which I neither know, nor have enquired after,) to your Civility you should have added a Degree of Modesty more. It may be remembered how above Forty Years ago, a Bishop's unadvisedly casting out a word, which was drawn to imply a Contempt of Gentlemen, it gave such Alarm to many Gentlemen, and so incensed them against that Order, if not the Clergy in General, that it contributed not a little to their Sufferings. It had been Prudence therefore to have been more sparing of your Spittle in that respect.

And so Secondly, as a Barister, and Lawyer; a Friend and Well-willer to the Church, would have omitted the many Taunts, and Revilings you have cast upon him as such. Do you not consider how much it becomes the Clergy to mitigate the Prejudices that Order are too Subject to against the Church, and how powerful they are, to strengthen or weaken the Interest of the Church, and its Prosperity? Another man, not inferiour to you, would have found occasion of Gratitude, and Praise, from whence you raise your reproaches, viz. that with honest, and sincere mind, and good integrity, he zealously undertook the Asserting of the Rights, and Rites



Rites of the Church : Wherein if he failed, as I my self am of opinion he did, tho I cannot say, that either I, or you have Demonstrated so much, it was a laudable intention tending to it's Vindication from private Interpreters of it's Laws, and Corrupters too, as he judged. His severity in drawing such Conclusions from such a supposed Sense, gave me occasion to imagine he might be a Lawyer, whose property it is to condemn a whole Deed for a Rasure committed in it: he conceiving that this omission of the due Performance of the second Service was of that nature.

But do you think it requisite, or tolerable, that every ordinary Minister should so modify his Worship (as the Presbyterians in their Books speak) or so use their Discretion as in truth rather to follow the Discretion of the Multitude and Common People, than their own, or the Churches? There is not any thing more unworthy a wise or humble Minister than this, knowing that to be true, which *Seneca* saith, *de Vita Beata* Cap. 2. *Vulgus veritatis pessimi Interpretis*. The Common sort are the worst Interpreters of truth, of all Men; yea, taking in what there presently followeth, *Vulgus autem tam Obliviscendum, quam Coronam voco*, I mean, saith he, by the Vulgar, some Robed, or Gowned Persons, as well as the Rabble, and so we Ministers may be in danger to be of the Number, and so we are indeed compared with our Governours.

Once more, *Seneca* in the same Place against Courtiers of the Common People, *Argumentum Pessimi Turba est*, 'Tis an Argument the thing is very bad, which the Rout approves very much. Did you never hear of the Expert Master of Musick, who gave his Scholar a Box of the Ear when he took him playing to the Admiration of the Vulgar, Presuming he must needs be out, and play amiss, or the Common Sort would never have liked him so well? Which it were to be wished were not too often to be found in Popular Preachers, who the worse they Preach, the more they are applauded by such People whom *Chaucer* in his Squires Tale thus describes but too truly.

*As People deemeth commonly  
Of things that been more Subtly  
Then they can in their heulnes Comprehend,  
They deemeth gladly to the badder end.*

And such are the Judges we commonly choose to be directed by.  
But

But I pass that, and come to a worse reproach than the former by far, an Argument of a very mean Understanding and low Spirit in the Accuser, *viz.* That he was once a Papist, and tho converted, still looking towards Rome; an Imprudent, and Unchristian Aspersion. 'Tis true, as I am informed, in his greener and younger Days, he fell into the Snares of Rome: And 'tis no less true, and more to the honour of our Religion, that in his Maturer Judgment and Years returning to himself, he returned to the Church of England also, and preferring it above all other Faiths, or Factions, desires nothing more than an exact Observation of her Rules and Manner of divine Worship.

And this last it seems, so troubles you, as it does a great many more such true Protestants which the seditious times have produced, or rather brought to light to the disgrace of all Reformation, that you take Liberty to mock and rail him out of that Conscientious design, suspecting the Invalidity of your Argumentations to that end. For as we see it to be the crafty Practice of Pilferers, and Thieves having stole any thing from their Neighbours, the first thing they do is to pull off, or deface the Mark, that it may not be known to whom it belongs: so Phanatically disposed Persons make it their business to tear away the Rites and Ceremonies belonging to, and Characterizing the Worship of the Church of England from the Will-Worship of Sectaries, that it may become their own without Controul.

But are such reproaches as you give to one converted to our Religion the best Entertainment, and welcome you can afford out of the Penury of your Civility, or true Piety? Have you a mind to drive him back again, and turn him out of Doors by your ill usage? Or is this the Encouragement you can give to others to return to us? I will here tell you a true story to this purpose, which some Seamen, with whom some Years since I was embarked, told me upon their own knowledge, which may suffice to advertize you of your absurdity in reviling Converts for having been in Error. A Moor, or Turk was of the Ships Company who had renounced Mahometanism, and became a Christian. An ill nurtur'd and malicious Fellow among them bearing him a spite, would often be reviling him for his Religion, calling him *Mahometan*, and worse. To whom the Man answered Ingenuously, and Soberly, What means this Man to check and reproach me so, for having been a Mahometan? I was so indeed, but now I am as good a Christian as himself. It happened about the same time, that the thing thus passed



passed, that there was an occasion for the English Railer to go up to the main top, whence he was suddenly hurried away by a Blast of Wind (as was supposed) being never seen, or heard of more: Which they told me, as an Instance of Gods Judgment upon a Reviler of a Penitent, and I tell you.

But you say, He looks towards Rome again. How know you that? Have you turned his Face that way in Abhorrence of your base Treatment? I might so judge, but that I am perswaded neither your Evil, nor your good Word is of any account with him; you should seem rather to be one of the Modernest true Protestants or as the late expression of a dying Man is, *Sincere Protestant*, who make all Popishly affected, not approving their Prophanations of Gods Service, and Seditious Zeal.

But I suppose you ground your Suspitions from what you here charge him with, *Irreverence at the Ministers Prayer, and Sermon, which in one of our Statutes* (say you) *whether he knows it or no, is called Divine Service, by Reading some Book of his own, &c.* And I also am one of those, that know not any Statute, or Canon where the Sermon is called Divine Service: And whatever may be said in large acceptation of Words, I am sure it is not so in it's nature, and proper use of Divine Worship. And I am sure also, the Prayer of the Minister in his Pulpit before Sermon is no part of the Service enjoined, but a Will-worship of Mens Private Invention, more like to that of *Nadab*, and *Abihu*, than that of the established Worship which Sectaries have been wont so to traduce. And if the Gentleman so carried himself at Church at such Private Exercises, he offends less against the Constitutions of the Church, than they, who shew their Gifts rather than their Grace in using them; whose Original and Design was to bring the Worship of God appointed by the Church, into disgrace, and contempt, which accordingly Succeeded in late Years.

And if you plead a Custom, (as my self do against the Obligation of ministring constantly at the Communion-Table) I may answer, First, this Custom hath not the like Grounds, or Reason, which it seemeth to me the forbearance of that hath. Again, Custom may make it Tolerable to do so, but not Intolerable, or Criminal

unlawful to let it alone: So that if any tender Conscience shall be offended at such strange Fire offer'd to God, such a one may, notwithstanding Custom, modestly declare it's dislike by doing something else, not Scandalous in it self. And therefore, tho the Prayer be beholden to him that shall joyn with him in that Superstitious (if as Mr. *Candry* and others of his Strain suppose, *Superstitio* be *Supra Statutum*) and incommanded Worship, yet no man can Legally censure him that refuses to bear such Exorbitances.

And the same may be said of the Psalms Sung in Meeter and Tunes of Private Inventions. I confess I have Read lately in the Writings of two Reverend, and Learned Divines, that it is a Vulgar Errour to say that those Singing Psalms want Lawful Authority: But very desirous to know where and what that Authority is, I found my self Frustrated, and am so small an Antiquary in such abstruse things, that I cannot help my self herein: But have been sometimes of opinion, that if any such Authority there be, as those Reverend Persons intimate, but instance not in, that it must rather belong to another Ancienter, and (in my Judgment) more Pious and Elaborate (as to Art, and Sense, tho no less uncouth in Language) Translation in Verse which I have by me, and seems to be the Work either of one Man, or divers concurring to the same thing, and not Patch'd up by several Authors, as the Common Singing Psalms are; possibly that Ancienter I speak of, may be the same, which the Author of the Troubles of *Frankford* speaks of, who tells us, *After the Death of Queen Mary, the Exiled prepare themselves to depart for England from Geneva, some such as stayed to finish the Translation of the Bible, and Psalms, both in Meeter and Prose, Which yet whether they were ever allowed by Authority, I still remain ignorant.*

And thus I have passed some General Animadversions on the Censurers of Mr. *Hari's* Book: Not intending to call in Question their particular Examinations, from which I might have drawn somewhat pertinent to mine own Method of the same Subject: But I choose rather to let it pass rudely according to the first and only Draught by me: Whereby I suppose that if Mediocrity or Moderation be such a Virtue as it is cryed up for, I may in this particular claim that Praise, and obtain the Approbation of

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of these Commenders of it, Submitting what I say, not altogether to them, but most of all to such as are over me in the Lord, from whose Determination I shall hardly swerve.

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**F I N I S.**

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